

THE CHAIRMAN: Does any other delegate desire to speak in opposition to the amendment.

DELEGATE RYBCZYNSKI: Yes, sir.

THE CHAIRMAN: Delegate Rybczynski.

DELEGATE RYBCZYNSKI: Mr. Chairman, I know there is a little laughter going on around about this amendment and section, but it is a very serious matter. If you look at section 3.05 as adopted by this assembly, one of the qualifications for senator or delegate is that the person must be a voter so it is not just a question of pulling the lever.

Also in section 4.02 in order to qualify for governor and, I suppose, other offices, one must be a qualified voter. This is not a light subject but a serious subject. We would not want somebody on the ballot for governor who has a committee appointed to protect his own interest in real estate and other affairs. It is a serious matter and I strongly suggest you go along with the committee recommendation.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment? Delegate Koss, will you take the floor to yield to a question? Sorry. Delegate Bothe, will you take the floor to yield to a question?

DELEGATE BOTHE: Yes.

THE CHAIRMAN: Delegate Cardin.

DELEGATE CARDIN. The question I was going to ask was answered by Delegate Rybczynski that it would permit a qualified voter, since that is the only qualification, to run for office from any penal institution.

THE CHAIRMAN: Delegate Bothe.

DELEGATE BOTHE: May I speak in favor further?

THE CHAIRMAN: You may.

DELEGATE BOTHE. And in answer to some of the questions raised in a serious vein. As to the question of whether a felon or insane person would run for office, I am not at all concerned about that. I do not see any reason why a convict cannot file for office. If the voters want to elect him, that is their affair. If these same people want to put him in office, I suppose that is the way it will have to be.

Again I emphasize that most of the people who are insane in medical terms are not adjudicated non compos mentis. You are not getting rid of lunatics in politics by this provision in the constitution.

As to the absentee voter question, it is my understanding, if I am incorrect I would appreciate the Chairman of the Committee or someone enlightening me, that in order to have an absentee vote, the legislature must make provision for same. People in the armed services and in other gainful occupations are entitled to vote to cast absentee ballots, but I do not know that any provision would have to be made to accommodate those who are in penal institutions of the State.

THE CHAIRMAN: The Chair, for purposes of clarification, wishes to state that, as he understands the intent of the Committee and the purpose of Committee Recommendation S&E-2, the elimination of this section would not authorize the legislature to impose any qualifications on the right to vote stated in section 1.

I think that was what Delegate Bothe said but I do not want any misunderstanding to arise from the remarks made in course of debate.

Are you ready for the question?

*(Call for the question.)*

The Clerk will ring the quorum bell. Delegate Burdette.

DELEGATE BURDETTE: I want to say I shall somewhat reluctantly have to vote against this amendment. I have to take the floor to say so because in the Constitutional Convention Commission and in many conversations subsequently I have gone almost this far, but not quite.

I can agree with Delegate Bothe entirely in all that she says except in actually allowing persons who are incarcerated in prisons to cast the franchise. I cannot go that far because I think they could be a controlling vote and I would not be willing to do it.

THE CHAIRMAN: Delegate Bennett.

DELEGATE BENNETT: Mr. Chairman, in my official life I have been responsible for 750,000 men in prison at different times and never once did any one of those felons ever vote in any election. Even the illustrious former governor of Massachusetts who went to prison for matters that perhaps I had better not go into at this moment and tried to and failed, as Senator Beall said. The first time he went there was for taking an examination for one of his friends, but later on he went there for violation of a federal statute. He tried to retain his governorship at that time in